

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

2 SEPTEMBER 2003

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were Mitchell Johnson, Assistant City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Kenneth Adams, employee in the Environmental Services Department, who served as courier for the meeting.

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After the Mayor explained the Council procedure for conduct of the meeting, he advised City Manager Ed Kitchen was taking a well-deserved vacation.

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Mayor Holliday noted that a request had been received to continue Items 8, 9, 10 and 11, public hearing items listed on the agenda, to the regular meeting of September 16, 2003. After the City Attorney confirmed that the items should be continued and there being no one present to speak to any of the items, Councilmember Vaughan moved that the items be continued to September 16 to allow for the legal advertising of Item #8--Ordinance annexing territory to the corporate limits of property located at 3206 Horse Pen Creek Road—11.97 acres; and Item #10--Ordinance annexing territory to the corporate limits of property located at 5723 and 5731 Eckerson Road—22.312 acres and to continue without further advertising to the September 16, 2003 City Council meeting Item #9--Ordinance establishing original zoning classification from County Zoning Conditional Use—RM-8 Residential Multifamily to City Zoning Conditional District—RM-8 Residential Multifamily for property located on the south side of Horse Pen Creek Road between Carlson Dairy Road and Gray Bluff Court; and Item #11--Ordinance establishing original zoning classification from County Zoning Agricultural and RS-12 Residential Single Family to City Zoning RS-7 Residential Single Family for property located on the west side of Eckerson Road north of Butterfield Drive and north of the terminus of Landerwood Drive. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

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Mayor Holliday introduced an ordinance annexing territory to the corporate limits of property located at 1932 Fleming Road-53.84 acres and an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional use-RS-12 Residential Single Family for property located on the east side of Fleming Road north of the termini of Norwich Drive, Haven Road and Bledsoe Drive. He noted that this was Second Reading for the ordinances, stated these matters each received a vote of 5-2 on first reading at the July 15, 2003 meeting, advised the public hearing was closed at that meeting, and stated these matters were continued from the August 19, 2003 meeting of Council. Because these matters were related, the Mayor stated that this was the time and place set for a public hearing to consider an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RM-5 Residential Multifamily for property located on the east side of Fleming Road southeast of Chance Road and southwest of Horse Pen Creek Road. The Mayor advised a

motion was adopted at the August 4, 2003 City Council meeting to reconsider this rezoning request at this meeting. Mayor Holliday administered the oath to all individuals present in the Chamber who wished to speak to this matter.

Councilmember Gatten moved that Councilmember Perkins be permitted to abstain from voting on these three issues due to conflict of interest. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

C. Thomas Martin, Planning Department Director, used a map and slides to illustrate the proposed for annexation and the two original zoning requests, stated the Planning Department and Zoning Commission recommended the original zoning and presented the following staff presentation for the public hearing for Item #7:

REQUEST – ITEM 7

This request is to establish original zoning for property from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use – RM-5 Residential Multifamily.

The RS-40 District is primarily intended to accommodate single family detached dwellings on large lots in areas without access to public water and sewer services at a density of 1.0 unit per acre or less.

The RM-5 District is primarily intended to accommodate duplexes, townhouses, cluster housing and similar residential uses at a density of 5.0 units per acre or less.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses shall be limited to all single family detached and attached residential uses (including townhomes, duplexes and “villa” type homes) permitted under the RM-5 zoning district.
- 2) The total number of dwelling units shall not exceed 187 units (5.0 units per acre).
- 3) All homes shall be offered for sale to the public.
- 4) No building shall exceed two stories in height as viewed from the front.
- 5) The proximity of Piedmont Triad International Airport shall be disclosed to all purchasers of homes within the development, in the developer’s recorded declaration of covenants and restrictions, and within any purchase contract between Developer and initial purchasers.
- 6) The existing residential structure, known as the Bond-McAlister House, and a surrounding area of approximately three (3.0) acres, will be retained and preserved.
- 7) Within the 100-year floodplain of Horse Pen Creek, no fill shall be placed except in association with required street, road or utility crossings.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 37.5 acres and is located on the east side of Fleming Road southeast of Chance Road and southwest of Horse Pen Creek Road.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-40 (Co)	Single family dwelling – mostly vacant land
North	CU-GO-M (Co)	Vacant land
East	CU-RM-5 RS-15	Vacant land rezoned by Zoning Commission at April 14, 2003 meeting Horse Pen Creek – vacant land
South	RS-15 RS-40 (Co)	Single family dwelling Vacant land proposed for CU-RS-12
West	RS-40 (Co)	2 single family dwellings

Mayor Holliday asked if anyone wished to be heard on item #7.

The following speakers spoke in opposition to the proposed zoning:

Paul Holst, representing Portrait Homes, 4411 West Market Street, provided a brief history of this issue and stated that in response to citizens' concerns with regard to water quality and density, he would request Council to amend the proposed ordinance as follows: 1) Condition #2 amended to read as follows: "The total number of dwelling units shall not exceed 177 (4.7 units per acre) of which no more than 157 shall be single-family attached units and no less than 20 shall be single-family detached units"; and 2) Add Condition #8 to read as follows: "The storm water management pond shall be designed to treat the first two inches of rainfall for water quality." Councilmember Johnson moved to amend the ordinance as requested by Mr. Holst. The motion was seconded by Councilmember Vaughan and adopted by an 8-1 voice vote of Council, with Councilmember Perkins abstaining due to conflict of interest.

Mr. Holst spoke to area zoning patterns and detailed townhome living, maintenance of the homes and private services that were provided. He stated he believed the amendment added to the proposed ordinance addressed concerns with regard to water quality; spoke to the developer's commitment to provide a larger, deeper retention pond to improve water quality and not to build in the 100-year floodplain; and stated he believed the proposed development was superior in protecting the water supply. Mr. Holst noted the developer's dedication of right-of-way and participation in providing a connector street that he believed should alleviate neighborhood concerns with regard to traffic. Noting that the zoning request had the support of the Planning Department staff and the Planning Board, he reiterated that he believed the development of the property in the proposed manner offered a logical transition and buffer for the residential area and would be in harmony with the surrounding neighborhood and the City's Comprehensive Plan.

Mike Stone, residing at 805 Gretchen Lane, spoke to his earlier opposition and personal experience with the process involved with Portrait Homes' development of Coble Farms and offered his personal thoughts with regard to the quality of that development that he now believed had a minimal impact on the surrounding neighborhood. Mr. Stone spoke in support of the rights of individual property owners to make the best use of their property.

The following speakers spoke in opposition to the proposed zoning:

Tom Dukes, residing at 1902 Haven Road, spoke to petitions that had been presented to Council in opposition to the zoning, provided a history of the community and stated the neighborhood did not oppose RS-12 development which they believed would be consistent with the area. Offering photographs to illustrate homes and lot sizes in the area and pictures representative of homes developed by Portrait Homes, Mr. Dukes stated that he did not believe the proposed zoning was compatible with the neighborhood. He reviewed the process involved with this zoning request, expressed concern with regard to the density of the proposed development, read portions of a notarized statement by Jack Foxworth who reported to have difficulty in selling his house, read portions of the Comprehensive Plan regarding compatibility of neighborhoods and asked Council to reject the requested zoning.

Bob Johnson, residing at 5612 Bledsoe Drive, expressed concerns with regard to water quality, pointed out that studies had shown the water quality of Horse Pen Creek was impaired and stated that he believed without additional studies, the City Council did not have adequate information to determine a stopping point for multifamily development in the Horse Pen Creek Basin. He spoke to the topography of the property and stated he believed the increased density of the proposed development would have a negative impact in the Horse Pen Creek area and on the City's water supply.

Willie Salminen, residing at 1100 Stallion Court, Summerfield, NC, advised of his credentials in dealing with environmental issues. Speaking to development pressure during the last twenty years, the history of water quality of Horse Pen Creek, and concerns with regard to environmental concerns, he stated that Horse Pen Creek was impaired and polluted, stated he believed any development would have a negative impact on the Creek, spoke to additional pressure during the construction phase with respect to runoff and sedimentation, and projected significant future costs to correct environmental problems. Mr. Salminen requested Council to limit development as much as possible in the area.

Speaking in rebuttal in favor of the ordinance, Mr. Holst spoke to the developer's efforts to protect the environment and reviewed specific conditions contained in the proposed ordinance that offered protection.

Virgil Tetsworth, residing at 4623 Country Woods Lane, spoke in rebuttal in opposition to the zoning and stated he believed the rezoning was about money. He stated that there was a lack of land zoned for single-family development and that, in his opinion, if this rezoning request were denied, the land could be developed for single family homes.

Speaking in rebuttal in opposition to the rezoning, Mr. Dukes stated he believed that before Council offered findings of fact to approve the ordinance, several areas of concern should be addressed; i.e., environmental concerns of the neighborhood, impact on the area of the airport expansion and Painter Boulevard, the cumulative effect on the Horse Pen Creek basin from an inadequate roadway system, the negative impact the zoning would have on property values, etc. Mr. Dukes stated he believed the proposed zoning was not in harmony with existing neighborhood and asked Council to deny the request.

Councilmember Gatten moved to close the public hearing. The motion was seconded by Councilmember Carmany and adopted by 8-1 voice vote of Council, with Councilmember Perkins abstaining due to conflict of interest.

Mr. Martin provided the following staff recommendation:

Item 7 – Fleming Road CU-RM-5

The Planning Department recommends that this request be approved.

This request is also compatible with the Generalized Future Land Use Map which shows this area to be Low Residential (3-5 dwelling units per acre).

Furthermore, this request meets such Comprehensive Plan objectives as clustering of residential units, efficient use of land, and preservation of open space and historic resources.

Although a detailed review of the applicant's flood study has not been done, a cursory review by Stormwater Services indicates that even assuming 70% built upon area (they should be more in the 30-40% range) the 100-year flood plain elevations will increase by less than one inch and this increase is considered negligible.

The site will be required to meet watershed and quantity control regulations – these are standard regulations whether the site is developed with single family or multifamily units.

However, conditions number 6 in the CU-RS-12 application and number 7 in the CU-RM-5 application exceed the City's floodplain regulations.

Current regulations allow placement of fill in the outer portion of the floodplain known as the floodway fringe.

These conditions do not allow placement of fill in the floodway fringe except for roads and utilities which helps to keep the increase in flood elevations to less than one inch.

Council discussed various opinions and concerns with regard to the impact on the water quality of earlier uses of the property, the type and density of proposed development, the timeframe in which the developer would be required to install the proposed retention pond, the feasibility of having townhome development as a transitional use between residential and GO-M zoning, the conditions contained in the proposed ordinance, etc.

Allan Williams, Water Resources Department Director and Scott Bryant, employee in the Department, addressed various inquiries related to the proposed development and the impact on the City's water supply; i.e., the fact that while Horse Pen Creek was designated as impaired comparable to most urban areas, the Creek was in decent condition; the impact earlier, less-regulated development had on the water supply; the purpose, operation and maintenance of retention ponds; and the fact that the proposed retention pond was a significant improvement for water quality and would do twice as much as was required by the City. Discussion was held with regard to wetlands, buffer areas, retention ponds, water standards, the fact that Greensboro has a quality water supply, etc.

Councilmember Gatten urged Council to vote against the rezoning. She emphasized the Horse Pen Creek was impaired, spoke to retention ponds in general and questioned how well they work, and requested Council to deny the rezoning to protect the water supply.

Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the corporate limits (property located at 1932 Fleming Road—53.84 acres). The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Jessup, Johnson, Phillips and Vaughan. Noes: Gatten, with Councilmember Perkins abstaining due to conflict of interest.

03-196 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 1932 FLEMING ROAD – 53.84 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing city limits (as of September 30, 2002) of the City of Greensboro, said point being in the western right-of-way line of Fleming Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a northerly direction along the western right-of-way line of Fleming Road approximately 1,150 feet to the intersection of said right-of-way line and the westward projection of the northern line of Fellowship Hall, Inc.; thence N 73° 26' 35" E approximately 1,200 feet along Fellowship Hall's northern line to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following courses and distances: in a southeasterly direction with a stream approximately 1,974 feet to a point in the center of Horsepen Creek; thence in a southerly direction with Horsepen Creek approximately 882 feet to a point at the corner of the City of Greensboro property as described at Deed Book 4585, Page 2197 in the Office of the Register of Deeds of Guilford County; thence with the northern lines of Friendly Lakes, Section 2, as recorded in Plat Book 36, Page 30, and Friendly Lakes, Section 1, as recorded in Plat Book 22, Page 12, and the westward projection thereof, N 72° 51' 20" W approximately 1,900 feet to the point and place of BEGINNING, and containing approximately 53.84 acres, of which 52.217 acres lie outside of street right-of-way.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 2003, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November 30, 2003.

(Signed) Claudette Burroughs-White

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The Mayor requested that the City Council address Item #7 prior to action on Item #6. Councilmember Gatten moved that item #7, the ordinance, as amended, establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RM-5 Residential Multifamily for property located on

the east side of Fleming Road southeast of Chance Road and southwest of Horse Pen Creek Road be denied based on the following findings of fact:

1. That the development of the property is not in accordance with the conditions because it will endanger public safety and there are health and safety concerns inherent in the density proposed;
2. That the development of the property will injure the value of adjoining or abutting property because of the way it is configured and the location and character.

Councilmember Gatten's motion failed due to lack of a second.

Councilmember Burroughs-White moved that the ordinance, as amended, establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RM-5 Residential Multifamily for property located on the east side of Fleming Road southeast of Change Road and southwest of Horse Pen Creek Road be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed low density residential use of this property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because abutting property is proposed for either low density single family or multifamily uses and will be developed by the same developer.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this request is compatible with the Generalized Future Land Use Map which shows this area to be Low Residential at 3-5 dwelling units per acre.

The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Jessup, Johnson, Phillips and Vaughan. Noes: Councilmember Gatten, with Councilmember Perkins abstaining due to conflict of interest.

03-198 ORDINANCE AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF
CONDITIONAL USE PERMIT

EAST SIDE OF FLEMING ROAD SOUTHEAST OF CHANCE ROAD AND SOUTHWEST OF HORSE PEN
CREEK ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use – RM-5 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the intersection of the western right-of-way line of Fleming Road and the westward projection of the northern line of Fellowship Hall, Inc.; thence crossing Fleming Road N73° 26'35"E approximately 60 feet to a point in the eastern right-of-way line, said point being a common corner with Helen S. Chance as recorded in Deed Book 1480, Page 321 in the Office of the Guilford County Register of Deeds; thence along Chance's line N73° 26'35"E 1177.55 feet to a point; thence S24° 42'34"E 161.71 feet to a point; thence S21° 17'56"E 151.45 feet to a point; thence S21° 31'56"E 197.34 feet to a point; thence S36° 13'30"E 131.80 feet to a point; thence S40° 43'02"E 192.22 feet to a point; thence S43° 50'19"E 198.95 feet to a point; thence S43° 49'18"E 199.98 feet to a point; thence S63° 31'15"E 153.56 feet to a point; thence S64° 59'59"E 183.60 feet to a point; thence S82° 05'58"E 194.04 feet to a point; thence N77° 26'51"E 159.16 feet to a point; thence S30° 29'29"W 135.58 feet to a point; thence S19° 42'23"W 144.89 feet to a point; thence S23° 15'47"W 190.92 feet to a point; thence S29° 35'18"W 125.17 feet to a point; thence S36° 42'52"W 233.32 feet to a point; thence N72° 51'20"W 403.56 feet to a point; thence N17° 29'46"E 153.99 feet to

a point; thence S76° 36'25"E 334.32 feet to a point; thence N19° 04'47"E 371.07 feet to a point; thence N67° 00'09"W 446.92 feet to a point; thence S21° 37'32"W 263.60 feet to a point; thence N72° 49'44"W 1150.13 feet to a point; thence N80° 44'10"W 126.75 feet to a point; thence N87° 33'49"W 120.70 feet to a point in the eastern right-of-way line of Fleming Road; thence crossing Fleming Road N87° 33'49"W approximately 60 feet to a point in the western right-of-way line; thence along said western right-of-way line approximately 850 feet to the point and place of BEGINNING and being Tract C containing 37.5 acres, more or less, as shown on "McAlister Place, Fleming Road Property Exhibit" dated February 18, 2003, designated Project Number 228-02 and prepared by CPT Engineering and Surveying, Inc.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses shall be limited to all single family detached and attached residential uses (including townhomes, duplexes and "villa" type homes) permitted under the RM-5 zoning district.
- 2) The total number of dwelling units shall not exceed 177 units (4.7 units per acre) of which no more than 157 shall be single-family attached units and no less than 20 shall be single-family detached units.
- 3) All homes shall be offered for sale to the public.
- 4) No building shall exceed two stories in height as viewed from the front.
- 5) The proximity of Piedmont Triad International Airport shall be disclosed to all purchasers of homes within the development, in the developer's recorded declaration of covenants and restrictions, and within any purchase contract between Developer and initial purchasers.
- 6) The existing residential structure, known as the Bond-McAlister House, and a surrounding area of approximately three (3.0) acres, will be retained and preserved.
- 7) Within the 100-year floodplain of Horse Pen Creek, no fill shall be placed except in association with required street, road or utility crossings.
- 8) The storm water management pond shall be designed to treat the first two inches of rainfall for water quality.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Claudette Burroughs-White

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Councilmember Johnson moved adoption of an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RS-12 Residential Single Family for property located on the east side of Fleming Road north of the termini of Norwich Drive, Haven Road and Bledsoe Drive based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed single family residential use of this property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because any such developed property consists of single family detached dwellings.

- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this request is compatible with the Generalized Future Land Use Map which shows this area to be Low Residential at 3-5 dwelling units per acre.

The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Jessup, Johnson, Phillips and Vaughan. Noes: Councilmember Gatten, with Councilmember Perkins abstaining due to conflict of interest.

03-197 ORDINANCE AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF
CONDITIONAL USE PERMIT

EAST SIDE OF FLEMING ROAD NORTH OF THE TERMINI OF NORWICH DRIVE, HAVEN ROAD, AND
BLED SOE DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use – RS-12 Residential Single Family (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the eastern right-of-way line of Fleming Road, said point being the northwest corner of Lot 1, Friendly Lakes North, Section One as recorded in Plat Book 33, Page 12 in the Office of the Guilford County Register of Deeds; thence crossing Fleming Road N72° 51' 20" W approximately 60 feet to a point in the western right-of-way line; thence along said western right-of-way line in a northerly direction approximately 297 feet to a point; thence crossing Fleming Road in an easterly direction approximately 60 feet to a point in the eastern right-of-way line, said point being the southwest corner of Tract C as shown on a drawing entitled "McAlister Place, Fleming Road Property Exhibit" dated February 18, 2003, designated Project Number 228-02 and prepared by CPT Engineering and Surveying, Inc.; thence along the line of said Tract C S87° 33' 49" E 120.70 feet to a point; thence S80° 44' 10" E 126.75 feet to a point; thence S72° 49' 44" E 1150.13 feet to a point; thence N21° 37' 32" E 263.60 feet to a point; thence S67° 00' 09" E 446.92 feet to a point; thence S19° 04' 47" W 371.07 feet to point; thence N76° 36' 25" W 334.32 feet to a point; thence S17° 29' 46" W 153.99 feet to a point in the line of Lot 5, Friendly Lakes North, Section Two as recorded in Plat Book 36, Page 30; thence along the northern line of the property of Friendly Lakes North, Sections Two and One N72° 51' 20" W 1411.86 feet to the point and place of BEGINNING, consisting of 14.7 acres, more or less, and being Tract B of said "McAlister Place, Fleming Road Property Exhibit".

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses shall be limited to all single family detached residential uses permitted under the RS-12 zoning district.
- 2) The total number of dwelling units shall not exceed 43 units (2.92 units per acre).
- 3) All homes shall be offered for sale to the public.
- 4) No building shall exceed two stories in height as viewed from the front.
- 5) The proximity of Piedmont Triad International Airport shall be disclosed to all purchasers of homes within the development, in the developer's recorded declaration of covenants and restrictions, and within any purchase contract between Developer and initial purchasers.
- 6) Within the 100-year floodplain of Horse Pen Creek, no fill shall be placed except in association with required street, road or utility crossings.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Yvonne J. Johnson

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The Mayor noted that earlier in the meeting Items 8-11 had been continued to the September 16, 2003 meeting of Council.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution approving an amendment to the Redevelopment Plan for the Arlington Park Area.

Dan Curry, representing the Housing and Community Department, provided background information and a history of the property at 1700 Martin Luther King Jr. Drive, described the property and surrounding property uses, spoke to neighborhood participation and support of the proposed amendment to broaden the City's marketing plan by allowing office use on the property.

Some members of Council offered personal thoughts and opinions about the proposed amendment.

The Mayor asked if anyone wished to be heard.

Russell Barrett, residing at 610 Glover Street in the Arlington Park Neighborhood, spoke in support of the resolution, provided information with regard to the history of uses in the area, and offered his thoughts about the property and proposed amendment.

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Councilmember Johnson left the meeting at 7:55 p.m. during the above discussion.

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Councilmember Carmany moved that the public hearing be closed. The motion was seconded by Councilmember Burroughs-White and adopted by voice vote of Council, with Councilmember Johnson voting in absentia as provided for by law. Councilmember Burroughs-White thereupon moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson (in absentia as provided for by law), Perkins, Phillips and Vaughan. Noes: None.

182-03 RESOLUTION APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE ARLINGTON PARK AREA

WHEREAS, the Redevelopment Commission of Greensboro has previously prepared detailed studies of the location, physical condition of structures, land use, environmental influences, and social, cultural, and economic conditions of the Arlington Park area; and,

WHEREAS, the Redevelopment Commission has previously prepared and referred to the City Council for review and approval a Redevelopment Plan for the Arlington Park area dated June 1, 1981, and last amended on May 2, 1994; and,

WHEREAS, the Redevelopment Commission has determined that an additional amendment to the Arlington Park Redevelopment Plan is desired to allow for office use of the property located at 1700 Martin Luther King, Jr. Drive, and,

WHEREAS, the Redevelopment Commission has conducted a neighborhood informational meeting and an advertised public hearing on this Redevelopment Plan amendment and following such public hearing has recommended approval of such amendment to the City Council; and,

WHEREAS, the Greensboro Planning Board has reviewed this proposed amendment to the Arlington Park Redevelopment Plan and voted unanimously to recommend its approval to the City Council; and,

WHEREAS, it is necessary that the City Council of the City of Greensboro take appropriate official action respecting the proposed amendment to the Arlington Park Redevelopment Plan:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That it is hereby found and determined that the Arlington Park area remains a predominantly residential area and continues to qualify under Article 22, Chapter 160A, General Statutes of North Carolina as a rehabilitation, conservation and reconditioning area.
2. That the proposed amendment to the Arlington Park Redevelopment Plan to allow for office use of the property located at 1700 Martin Luther King, Jr. Drive is found to be consistent with the objectives of the Plan.
3. That it is hereby found and determined that the amended Arlington Park Redevelopment Plan conforms to the City's Comprehensive Plan.
4. That amendments to the Arlington Park Redevelopment Plan are hereby approved, including amendment of the Land Use Plan (Map RP-2) changing the land use classification of 1700 Martin Luther King, Jr. Drive from single family residential to public or semi-public, and amendment of the Proposed Zoning (Map RP-4) changing the proposed zoning of 1700 Martin Luther King, Jr. Drive from RS-7 to Conditional Use – Limited Office.

(Signed) Claudette Burroughs-White

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The Mayor declared a recess at 8:04 p.m.

The meeting reconvened at 8:20 p.m. with all members of Council present.

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Moving to the Consent Agenda, Councilmember Vaughan removed items 15 and 16 for discussion. Councilmember Phillips thereupon moved to adopt all ordinances, resolutions and motion on the Consent Agenda, as amended. The motion was seconded by Councilmember Carmany; the amended Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-199 ORDINANCE AMENDING THE FEDERAL, STATE, AND OTHER GRANTS FUND BUDGET FOR THE PURCHASE OF EQUIPMENT SUPPORTING LOCAL RESPONSE TO EVENTS OF DOMESTIC TERRORISM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Federal, State, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the Federal, State, and Other Grants Fund Budget be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4062-01.5239	Miscellaneous	\$34,900
220-4062-01.6059	Other Capital	\$56,000

TOTAL: \$90,900

And, that this increase be financed by increasing the following Federal, State, and Other Grants Fund Budget accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4062-01.7110	State Grant	\$90,900

TOTAL: \$90,900

(Signed) Thomas M. Phillips

.....

03-200 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF FEDERAL FUNDS FOR PARTICIPATION IN THE GREATER GREENSBORO FINANCIAL CRIMES TASK FORCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3580-01.5235	Small Tools and Equipment	\$1,000

TOTAL: \$1,000

and, that this increase be financed by increasing the following State, Federal, and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3580-01.7100	Federal Grant	\$1,000

TOTAL: \$1,000

(Signed) Thomas M. Phillips

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183-03 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2002-22 WITH LAUGHLIN & SUTTON CONSTRUCTION FOR THE McKNIGHT MILL ROAD SANITARY SEWER LIFT STATION

WHEREAS, after due notice, bids have been received for the McKnight Mill Road Sanitary Sewer Lift Station;

WHEREAS, Laughlin & Sutton Construction, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$555,000 as general contractor for Contract No. 2002-22, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Laughlin & Sutton Construction is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 510-7044-01.6019 CBR 002.

(Signed) Thomas M. Phillips

(A tabulation of bids for the McKnight Mill Road Sanitary Sewer Lift Station is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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184-03 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 1999-03 WITH BRYANT ELECTRIC COMPANY FOR THE GALLIMORE DAIRY ROAD SANITARY SEWER & FORCE MAIN PROJECT

WHEREAS, after due notice, bids have been received for the Gallimore Dairy Road Sanitary Sewer & Force Main project;

WHEREAS, Bryant Electric Company, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,936,687.99 as general contractor for Contract No. 1999-03, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Bryant Electric Company is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 510-7044-01.6019 CBR 001.

(Signed) Thomas M. Phillips

(A tabulation of bids for the Gallimore Dairy Road Sanitary Sewer and Force Main project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

.....

03-201 ORDINANCE AMENDING EMPLOYEE HEALTH INSURANCE FUND FOR THE FISCAL YEAR 2002-03

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 2002-03 Employee Health Insurance Fund be amended as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
684-1001.01.5780	Employee Health Insurance Claims Payments	\$775,000

And, that this amendment is to be financed by the following revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
684-1001-01.8900	Appropriated Fund Balance	\$775,000

(Signed) Thomas M. Phillips

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Motion to approve the minutes of regular meeting of August 19, 2003 was unanimously adopted.

.....

Mayor Holliday introduced a resolution authorizing change order in Contract No. 2000-08A with Kenneth R. Greene, Utility Contractor, Inc. for sanitary sewer rehabilitation Project 'E' improvements and introduced a resolution authorizing change order in Contract No. 2000-19 with Environmental Pipeline Rehabilitation, Inc. for sanitary sewer rehabilitation Project 'F' improvements; both items were removed from the Consent Agenda by Councilmember Vaughan.

In response to Councilmember Vaughan's request for further explanation about the change orders, Mr. Williams explained these were ongoing rehabilitations of the sanitary sewer system by going after infrastructure deterioration and rehabilitating lines that were leaking or had ground water infiltration. He explained that the projects were bid in this manner, including escalation factors, to save taxpayer dollars; the City Attorney stated that this was a continuing contract that was part of the original bid.

Councilmember Vaughan moved adoption of the resolution authorizing change order in Contract No. 2000-08A with Kenneth R. Greene, Utility Contractor, Inc. for sanitary sewer rehabilitation project 'E' improvements. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

185-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-08A WITH KENNETH R. GREENE, UTILITY CONTRACTOR, INC. FOR SANITARY SEWER REHABILITATION PROJECT 'E' IMPROVEMENTS

WHEREAS, Contract No. 2000-08A with Kenneth R. Greene, Utility Contractor, Inc. provides for Sanitary Sewer Rehabilitation Project 'E' improvements;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" for a period of 12 months from the award date, thereby necessitating a change order in the contract in the amount of \$750,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Kenneth R. Greene, Utility Contractor, Inc. for the Sanitary Sewer Rehabilitation Project 'E' Improvements is hereby authorized at a total cost of \$750,000, payment of said additional amount to be made from Account No. 503-7013-02.6017 04100.

(Signed) Donald R. Vaughan

.....

Councilmember Vaughan moved adoption of the resolution authorizing change order in Contract No. 2000-19 with Environmental Pipeline Rehabilitation, Inc. for sanitary sewer rehabilitation project 'F' improvements. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

186-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-19 WITH ENVIRONMENTAL PIPELINE REHABILITATION, INC. FOR SANITARY SEWER REHABILITATION PROJECT 'F' IMPROVEMENTS

WHEREAS, Contract No. 2000-19 with Environmental Pipeline Rehabilitation, Inc. provides for Sanitary Sewer Rehabilitation Project 'F' improvements;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" for a period of 12 months from the award date, thereby necessitating a change order in the contract in the amount of \$750,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Environmental Pipeline Rehabilitation, Inc. for the Sanitary Sewer Rehabilitation Project 'F' Improvements is hereby authorized at a total cost of \$750,000, payment of said additional amount to be made from Account No. 503-7013-02.6017 04100.

(Signed) Donald R. Vaughan

.....

The Mayor introduced a resolution authorizing Amendment I to the Briarmeade Subdivision Agreement.

After a brief explanation by Mr. Williams, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

187-03 RESOLUTION AUTHORIZING AMENDMENT I TO THE BRIARMEADE SUBDIVISION AGREEMENT

WHEREAS, the City of Greensboro and Windsor Investments, LLC, the developer of the Briarmeade Subdivision, entered into an Agreement on April 2, 2002 to construct a sanitary sewer outfall, pump station and force main for the Briarmeade Subdivision;

WHEREAS, the construction of this outfall will open up additional areas on the eastern side of the City for development;

WHEREAS, the cost of the project was to be shared by the City and the developer based on preliminary engineering information;

WHEREAS, the actual costs by the developer for the outfall line were greater than estimated and it is necessary to reflect that in Amendment I of the Briarmeade Subdivision Agreement, said amendment presented herewith this day;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Amendment I to the Briarmeade Subdivision Agreement is hereby authorized.

(Signed) Claudette Burroughs-White

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Mayor Holliday introduced a resolution authorizing agreement between the City of Greensboro and Rice Toyota for the Battleground Rail Trail Project.

Tyler Meyer, representing the Transportation Department, used a map to illustrate the trail and a PowerPoint presentation to provide details about the project background, project status and proposed agreement; he stated this was a part of the regional trail plan. (A copy of the PowerPoint presentation is filed with the above resolution and is hereby referred to and made a part of these minutes.)

Council discussed the history of this trail; zoning and use of this property; buffering, landscaping, fencing and route of the proposed trail; cost and process for acquisition of property for the trail; etc.

After further discussion, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins and Vaughan. Noes: None.

188-03 RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE CITY OF GREENSBORO AND RICE TOYOTA FOR THE BATTLEGROUND RAIL TRAIL PROJECT

WHEREAS, the Battleground Rail Trail is planned as a high quality transportation facility for pedestrians and cyclists to be constructed along a partially abandoned rail line;

WHEREAS, the first phase of the trail will connect with the existing Bicentennial Trail/Lake Brandt Greenway at Pisgah Church Road and extend south to Markland Drive;

WHEREAS, a portion of the trail will run through the Rice Toyota property located at Martinsville Road;

WHEREAS, the City and Rice Toyota have agreed to a design solution that is acceptable to both the City and the dealership that will meet design requirements, effectively serve the needs of future trail users and minimize the impact to the Rice Toyota property;

WHEREAS, the Agreement identifies permanent trail easement and temporary construction easement needs, gives the City an option to purchase said easements by December 31, 2004, details how project construction will mitigate site impacts, how administrative adjustments to site and landscape plan requirements for the Rice site reconstruction will offset these impacts and is being presented herewith this day;

WHEREAS, it is in the best interest of the City of Greensboro to enter into said Agreement with Rice Toyota for the development of the Battleground Rail Trail which will provide the citizens of Greensboro the opportunity for a high quality transportation facility for pedestrians and cyclists.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Agreement between the City of Greensboro and Rice Toyota for the Battleground Rail Trail Project presented herewith this day is hereby approved, and the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of Greensboro.

(Signed) Sandy Carmany

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The Mayor introduced a resolution approving revisions to the City box culvert and bridge participation program.

After a brief explanation by Scott Bryant, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

189-03 RESOLUTION APPROVING REVISIONS TO THE CITY BOX CULVERT AND BRIDGE PARTICIPATION PROGRAM

WHEREAS, the City adopted a policy to assist local development with the costs to construct culverts and bridges for roadway crossings over streams;

WHEREAS, this policy is administered by the Water Resources Department, Stormwater Management Division and allows for the reimbursement of a percentage of the costs incurred with budget administration (Powell Bill) provided by the Engineering and Inspections Department;

WHEREAS, it is now necessary to revise the policy with the following changes: allowing for equal participation for precast and cast-in-place boxes if the precast boxes are properly constructed with watertight joints; participation in bottomless culverts to the same percentage as standard box culverts; increasing the participation on bottomless culverts that use natural channel techniques, allowing for Letter of Credit, Administrative Hold or Certificate of Deposit for the discontinuous street policy, and to provide examples of a letter of Credit and Administrative Hold as an Appendix, said policy revisions and contract being presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the revisions to the City Box Culvert and Bridge Participation Policy presented herewith this day are hereby approved.

(Signed) Yvonne J. Johnson

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Mayor Holliday introduced and read into the minutes a resolution approving adjustment in annual compensation of the City Manager; he noted the Council had recently conducted the Manager's annual evaluation.

Members of Council stated they believed that City Manager Ed Kitchen was an excellent City Manager and does an outstanding job; some members of Council offered personal comments with regard to some of the Manager's significant accomplishments.

Councilmember Jessup stated he wanted to make sure City laborers who do a good job are happy and requested that Council ask the Manager to review their salaries over the last two years to make sure their merit raises are in keeping with the overall City policy.

Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

190-03 RESOLUTION APPROVING ADJUSTMENT IN ANNUAL COMPENSATION OF THE CITY MANAGER

WHEREAS, pursuant to the memorandum of Employment Agreement, the City Council has reviewed the annual performance and compensation of the City Manager;

WHEREAS, following review, it is deemed appropriate to amend the annual compensation/benefits for the City Manager as hereinafter set out;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Section 2 of the Memorandum of Employment Agreement is hereby amended as follows:

1. The annual compensation referred to shall be \$170,716.00. All other provisions of Section 2 shall remain as presently provided.
2. This amendment shall become effective on 1 September, 2003.

(Signed) Thomas M. Phillips

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Mayor Holliday introduced an addendum item, a resolution naming "The Depot" in honor of J. Douglas Galyon. He spoke to the facility's recent dedication and open house. The Mayor spoke to Mr. Galyon's service to Greensboro in various roles and extraordinary efforts as a member of the North Carolina Department of Transportation Board to help the City with the urban loop, Depot and other transportation projects/efforts.

After brief discussion, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

191-03 RESOLUTION NAMING "THE DEPOT" IN HONOR OF J. DOUGLAS GALYON

WHEREAS, J. Douglas (Doug) Galyon, has provided outstanding leadership and support to our community through his exemplary service on the Greensboro City Council from (1981-1984), the Guilford County Commissioners from (1984-1988), and most recently the North Carolina Department of Transportation's Board (1993 – Present);

WHEREAS, Doug has been instrumental in furthering local, regional, and statewide transportation policy, goals, and programs through his outstanding leadership as Chairman of the North Carolina Department of Transportation's Board (2001 – Present) and service on the Technical Advisory Committee of the Greensboro Urban Area Metropolitan Planning Organization;

WHEREAS, Doug has used his transportation talents and resources to better our community and promote economic development by ensuring the full funding, programming, and accelerated construction of the Greensboro Outer Loop, by providing needed support for the funding and construction of the historic Depot transportation center renovation, and most recently by providing the Governor and Secretary of Transportation of North Carolina with needed support and technical assistance and guidance in the "NC Moving Ahead Initiative"

WHEREAS, Doug has received a number of honors for outstanding service and leadership including being recognized with the "Distinguished Citizen Award" by the Greensboro Chamber of Commerce in 1995 and being recognized with the "State of North Carolina Order of the Long Leaf Pine" award by the Governor in 2000

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, on behalf of the citizens of Greensboro, the City Council hereby expresses its sincere appreciation to J. Douglas (Doug) Galyon for his outstanding leadership and service to our community and does hereby recognize his many years of outstanding transportation service and accomplishments by formally naming the Depot (located at 236 East Washington Street) in his honor as: The "J. Douglas Galyon" Depot.

(Signed) Sandy Carmany

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Blair Barton-Percival, residing at 912 North Eugene Street; Beth Walker, residing in Oak Ridge, NC; Jennie Hunt, residing at 718 Percy Street; Ann Stringfield, residing at 1005 North Eugene Street; offered personal opinions with regard to the upcoming referendum which addressed stadiums in the downtown area, spoke in opposition to the proposed baseball stadium in the downtown area, and expressed their support of the renovation of War Memorial Stadium.

Expressing concern with regard to misinformation in the community concerning the purpose of the upcoming referendum, the Mayor emphasized that the referendum had nothing to do with the War Memorial Stadium but was for the purpose of allowing citizens to vote on whether or not to allow stadiums in the downtown area; he reiterated that the proposed baseball stadium was a private venture using private monies.

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Alton Thompson, residing at 3109 Darden Road; David Delman, residing at 3201 Brassfield Road; Michael Schifftan, 122 North Elm Street, Suite 512; and Michael King, residing at 7522 Oak Valley Lane, Brown Summit, NC; offered personal and professional opinions with regard to recent newspaper articles about Project Homestead, the operation of the non-profit group, past and future City audits related to the organization's records, etc. Mr. King requested Council to provide a forum to receive additional information.

Council discussed at length with speakers and members of City staff various issues related to the operation of Project Homestead; i.e., the use of City money by the organization and the process in place to ensure accountability; the City's desire to audit Project Homestead's records to determine how the organization had spent city funds and money generated from those funds; City requests for information; HUD requirements; past audits conducted and findings, etc. Council discussed various opinions and concerns with regard to Project Homestead's operation and the organization's position with regard to allowing City staff to conduct current, specific audits of certain records. The City Attorney stated it was her understanding that no program income audit had been conducted on Project Homestead houses to trace where the profit had gone; however, this type of audit had been conducted on other non-profit agencies. In response to Council inquiries, City Attorney Miles explained the rationale for the auditing process used by the City.

After lengthy discussion, Councilmember Perkins moved that Council instruct the City Manager to proceed with the Program Income Audit of Project Homestead for years 1997-2001. The motion was seconded by Councilmember Carmany and adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

Assistant City Manager Johnson stated that staff would work quickly to get the process outlined for the Project Homestead audit and that information would be provided to Council.

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Terry Grubb, 1911 Golden Gate Drive, provided information about the Farmers' Market and invited members of Council to attend the Farmers Market Appreciation Day on September 6.

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Stating he understood the benefits of allowing vegetation to grow along streams, Councilmember Phillips requested the Transportation Department staff to explore the feasibility of allowing some trimming of unsightly, overgrown vegetation along City streams.

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Councilmember Carmany moved that Palmer Smith McIntyre be appointed to serve a term on the Parks and Recreation Commission in the position formerly held by Theresa Miller; this term will expire 15 August 2006. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Councilmember Carmany stated that a local jazz trio, the Miles Davis group at UNCG, had been selected in a statewide competition to represent North Carolina and perform at the International Jazz Fest in Moldova and other locations abroad. She also noted her upcoming trip to Moldova.

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Councilmember Gatten moved that Tim Rice be appointed to serve a term on the War Memorial Commission in the position formerly held by Richard Hovis; this term will expire 15 August 2006. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Councilmember Gatten moved that Jeri D'Lugin be appointed to serve a term on the Community Resource Board in the position formerly held by Tom Hubert; this term will expire 15 August 2006. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Councilmember Gatten reported on the upcoming Greensboro Transit Authority September 11 public hearing to receive input with regard to the Mobility Greensboro Public Transportation Master Plan and reviewed the Plan's future goals.

Reporting on a recent Neighborhood Congress meeting with regard to the issue of retention ponds, Councilmember Gatten stated she believed the overall, complex issue of retention ponds should be addressed by Council; i.e., inequities resulting from home ownership bearing the cost when the ponds benefited the City and other developments, the annexation of land from the County on which unmaintained retention ponds were located, the desire for Council to consider alternates and best options to maintain water quality for all citizens, etc. After lengthy discussion and the suggestion by Councilmember Perkins that members of Council needed educational information about this issue, Mayor Holliday suggested that this topic be addressed at a future briefing

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Councilmember Jessup stated that he intended to appoint Pauline Lowe, District 1 resident, to a position on the Human Relations Commission, at the next City Council meeting.

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Councilmember Burroughs-White added the name of James Reynolds to the boards and commissions data bank for consideration for future service.

Councilmember Burroughs-White moved that Jeffrey Roberts be reappointed to serve an additional term on the Minimum Housing Standards Commission; this term will expire 15 August 2006. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Councilmember Burroughs-White moved that Carl Brower be reappointed to serve an additional term on the Parks and Recreation Commission; this term will expire 15 August 2006. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Councilmember Burroughs-White moved that Julius Koonce be reappointed to serve an additional term on the Planning Board; this term will expire 15 August 2006. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Councilmember Burroughs-White noted that Heather Seifert, representing the Fisher Park Historic District on the Historic Preservation Commission, was moving from Greensboro and that she would appoint her replacement at a future Council meeting.

Councilmember Burroughs-White noted that she had received complaints about problems at a location on East Market Street with regard to cars and other problems; she also expressed concerns with respect to the condition of the apartments located at Cone Boulevard and Summit Avenue. Brief discussion was held with Butch Simmons, Engineering and Inspections Department Director.

Councilmembers Burroughs-White and Gatten spoke to the new Greensboro Library Foundation and its goal to raise \$1 million to provide services to Greensboro's diverse community.

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Councilmember Johnson added the name of Edmund Fairley to the boards and commissions data bank for consideration for future service on the Library Board.

Councilmember Johnson provided an update with regard to the process involving the Lee-Elm Street site and noted that this process would need representatives from many groups. She asked if Council would consider allowing the group offer a pool of names that Council could approve for participation in the process or could consider appointing individuals of their choice. The Mayor spoke briefly to efforts to secure federal funding for the project.

Councilmember Johnson requested a resolution honoring the memory of Dr. Willa Beatrice Player be added to the September 16 agenda for Council's consideration.

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Mayor Holliday added the name of Ronda V. Ayscue to the boards and commissions data bank for consideration for future service on the Historic Preservation Commission.

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Noting that the National League of Cities had requested voting and alternate voting delegates for the December business meeting to be held in Nashville, TN, Mayor Holliday asked if any member of Council planned to attend the Congress of Cities meeting. No member of Council indicated that they planned to attend the conference.

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At the request of the Mayor, Councilmember Gatten moved that Jane Walker-Payne be appointed Chairperson of the Greensboro Transit Authority. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

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The Mayor and members of Council discussed various events and items of interest to the community.

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Councilmember Johnson left the meeting at 10:30 p.m.

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Councilmember Carmany moved that the City Council adjourn to meet in Closed Session for the purpose of discussing a claim. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 10: 35 P.M.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
